

HOUSE GOVERNMENT AND URBAN AFFAIRS COMMITTEE SUBSTITUTE FOR
HOUSE BILLS 115 & 117

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

AN ACT

RELATING TO LOCAL DWI GRANT PROGRAMS; INCREASING THE
DISTRIBUTION OF LIQUOR EXCISE TAX REVENUES TO THE LOCAL DWI
GRANT FUND; CHANGING DISTRIBUTIONS FROM THE FUND; MAKING
APPROPRIATIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 7-1-6.40 NMSA 1978 (being Laws 1997,
Chapter 182, Section 1, as amended) is amended to read:

"7-1-6.40. DISTRIBUTION--LOCAL DWI GRANT FUND.--A
distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be
made to the local DWI grant fund in an amount equal to [~~thirty-~~
~~four and fifty-seven hundredths~~] forty-five percent of the net
receipts attributable to the liquor excise tax."

Section 2. Section 11-6A-3 NMSA 1978 (being Laws 1993,
Chapter 65, Section 3, as amended) is amended to read:

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1 "11-6A-3. LOCAL DWI GRANT PROGRAM--FUND.--

2 A. The division shall establish a local DWI grant
3 program to make grants to municipalities or counties for:

4 (1) new, innovative or model programs,
5 services or activities to prevent or reduce the incidence of
6 DWI, alcoholism, alcohol abuse, drug addiction or drug abuse;
7 and

8 (2) programs, services or activities to
9 prevent or reduce the incidence of domestic abuse related to
10 DWI, alcoholism, alcohol abuse, drug addiction or drug abuse.

11 B. Grants shall be awarded by the council pursuant
12 to the advice and recommendations of the division.

13 C. The "local DWI grant fund" is created in the
14 state treasury and shall be administered by the division. [~~Two~~
15 ~~million five hundred thousand dollars (\$2,500,000)] Four
16 million dollars (\$4,000,000) of liquor excise tax revenues
17 distributed to the fund and all other money in the fund, other
18 than money appropriated for distribution pursuant to
19 Subsections D, [~~and~~] E and F of this section and money
20 appropriated for DWI program distributions, are appropriated to
21 the division to make grants to municipalities and counties upon
22 council approval in accordance with the program established
23 under the Local DWI Grant Program Act and to evaluate DWI
24 grantees and the local DWI grant program. Money in the fund
25 may be used for drug courts. An amount equal to the liquor~~

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1 excise tax revenues distributed annually to the fund less [~~five~~
 2 ~~million six hundred thousand (\$5,600,000)] seven million one
 3 hundred thousand dollars (\$7,100,000) is appropriated to the
 4 division to make DWI program distributions to counties upon
 5 council approval of programs in accordance with the provisions
 6 of the Local DWI Grant Program Act. No more than six hundred
 7 thousand dollars (\$600,000) of liquor excise tax revenues
 8 distributed to the fund in any fiscal year shall be expended
 9 for administration of the grant program. Balances in the fund
 10 at the end of any fiscal year shall not revert to the general
 11 fund.~~

12 D. Two million eight hundred thousand dollars
 13 (\$2,800,000) of the liquor excise tax revenues distributed to
 14 the local DWI grant fund is appropriated to the division for
 15 distribution to the following counties in the following amounts
 16 for funding of alcohol detoxification and treatment facilities:

17 (1) one million seven hundred thousand dollars
 18 (\$1,700,000) to class A counties with a population of over
 19 three hundred thousand persons according to the 1990 federal
 20 decennial census;

21 (2) three hundred thousand dollars (\$300,000)
 22 each to counties reclassified in 2002 as class A counties with
 23 a population of more than ninety thousand but less than one
 24 hundred thousand persons according to the 1990 federal
 25 decennial census;

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1 (3) two hundred thousand dollars (\$200,000) to
2 class B counties with a population of more than thirty thousand
3 but less than forty thousand persons according to the 1990
4 federal decennial census;

5 (4) one hundred fifty thousand dollars
6 (\$150,000) to class B counties with a population of more than
7 sixty-two thousand but less than sixty-five thousand persons
8 according to the 1990 federal decennial census; and

9 (5) one hundred fifty thousand dollars
10 (\$150,000) to class B counties with a population of more than
11 thirteen thousand but less than fifteen thousand persons
12 according to the 1990 federal decennial census.

13 E. Liquor excise tax revenues distributed to the
14 local DWI grant fund are appropriated to the division for
15 distribution to the following counties in the following amounts
16 for the following purposes:

17 (1) in fiscal year 2005, one million four
18 hundred thousand dollars (\$1,400,000) for distribution to class
19 B counties with a population of more than fifty-five thousand
20 but less than sixty thousand persons according to the most
21 recent federal decennial census to plan, design, renovate,
22 construct, equip and furnish an alcohol treatment facility
23 located in a municipality within the county with a population
24 of more than one thousand five hundred but less than two
25 thousand five hundred persons according to the most recent

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1 federal decennial census; and

2 (2) in fiscal years 2006 through 2011, eight
3 hundred thousand dollars (\$800,000) for distribution to class B
4 counties with a population of more than fifty-five thousand but
5 less than sixty thousand persons according to the most recent
6 federal decennial census for operation of an alcohol treatment
7 facility located in a municipality within the county with a
8 population of more than one thousand five hundred but less than
9 two thousand five hundred persons according to the most recent
10 federal decennial census.

11 ~~[E.]~~ F. Three hundred thousand dollars (\$300,000)
12 of the liquor excise tax revenues distributed to the local DWI
13 grant fund is appropriated to the division for the interlock
14 device fund to cover the costs of installing and removing
15 ignition interlock devices for indigent people who are
16 required, pursuant to convictions under Section 66-8-102 NMSA
17 1978, to install those devices in their vehicles.

18 ~~[F.]~~ G. In awarding DWI grants to local
19 communities, the council:

20 (1) may fund new or existing innovative or
21 model programs, services or activities designed to prevent or
22 reduce the incidence of DWI, alcoholism or alcohol abuse;

23 (2) may fund existing community-based
24 programs, services or facilities for prevention, screening and
25 treatment of alcoholism and alcohol abuse;

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1 (3) may fund new or existing innovative or
2 model programs, services or activities of any kind designed to
3 prevent or reduce the incidence of domestic abuse related to
4 DWI, alcoholism or alcohol abuse;

5 (4) may fund existing community-based
6 programs, services or facilities for prevention and treatment
7 of domestic abuse related to DWI, alcoholism or alcohol abuse;

8 (5) shall give consideration to a broad range
9 of approaches to prevention, education, screening, treatment or
10 alternative sentencing, including programs that combine
11 incarceration, treatment and aftercare, to address the problem
12 of DWI, alcoholism or alcohol abuse; and

13 (6) shall make grants only to counties or
14 municipalities in counties that have established a DWI planning
15 council and adopted a county DWI plan or are parties to a
16 multicounty DWI plan that has been approved by the council and
17 approved pursuant to Chapter 43, Article 3 NMSA 1978 and only
18 for programs, services or activities consistent with that plan.
19 A DWI plan shall also comply with local DWI grant program rules
20 and guidelines.

21 [~~G.~~] H. The council shall use the criteria in
22 Subsection [~~F~~] G of this section to approve DWI programs,
23 services or activities for funding through the county DWI
24 program distribution. Sixty-five percent of the DWI grants
25 awarded to local communities shall be used for alcohol-related

1 treatment and detoxification programs."

2 Section 3. Section 11-6A-6 NMSA 1978 (being Laws 1997,
3 Chapter 182, Section 2, as amended) is amended to read:

4 "11-6A-6. DISTRIBUTION OF CERTAIN LOCAL DWI GRANT PROGRAM
5 FUNDS--APPROVAL OF PROGRAMS.--

6 A. An amount equal to the liquor excise tax
7 revenues distributed to the local DWI grant fund for the fiscal
8 year less [~~five million six hundred thousand dollars~~
9 ~~(\$5,600,000)~~] seven million one hundred thousand dollars
10 (\$7,100,000) shall be available for distribution in accordance
11 with the formula in Subsection B of this section to each county
12 for council-approved DWI programs, services or activities;
13 provided that each county shall receive a minimum distribution
14 of at least one-half percent of the money available for
15 distribution.

16 B. Each county shall be eligible for a DWI program
17 distribution in an amount derived by multiplying the total
18 amount of money available for distribution by a percentage that
19 is the average of the following two percentages:

20 (1) a percentage equal to a fraction, the
21 numerator of which is the retail trade gross receipts in the
22 county and the denominator of which is the total retail trade
23 gross receipts in the state; and

24 (2) a percentage equal to a fraction, the
25 numerator of which is the number of alcohol-related injury

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1 crashes in the county and the denominator of which is the total
2 alcohol-related injury crashes in the state.

3 C. A county shall be eligible to receive the
4 distribution determined pursuant to Subsection B of this
5 section if the board of county commissioners has submitted to
6 the council a request to use the distribution for the operation
7 of one or more DWI programs, services or activities in the
8 county and the request has been approved by the council. The
9 request shall also comply with local DWI grant program rules
10 and guidelines.

11 D. No later than April 1 each year, each board of
12 county commissioners seeking approval for the DWI program
13 distribution pursuant to this section shall make application to
14 the division for review and approval by the council for one or
15 more local DWI programs, services or activities in the county.
16 Application shall be made on a form and in a manner determined
17 by the division. The council shall approve the programs
18 eligible for a distribution no later than July 1 of each year.
19 The division shall make the annual distribution to each county
20 in quarterly installments on or before each September 10,
21 December 10, March 10 and June 10, beginning in September 2004.
22 The amount available for distribution quarterly to each county
23 shall be the amount determined by applying the formula in
24 Subsection B of this section to the amount of liquor excise tax
25 revenues in the local DWI grant fund at the end of the month
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1 prior to the quarterly installment due date and after [~~one~~
 2 ~~million three hundred twenty-five thousand dollars~~
 3 ~~(\$1,325,000)~~] one million seven hundred seventy-five thousand
 4 dollars (\$1,775,000) has been set aside for the DWI grant
 5 program and [~~after~~] the [~~appropriations and~~] distributions
 6 pursuant to Subsections D, [~~and~~] E and F of Section 11-6A-3
 7 NMSA 1978.

8 E. If a county does not have a council-approved DWI
 9 program, service or activity or does not need the full amount
 10 of the available distribution, the unused money shall revert to
 11 the local DWI grant fund and may be used by the council for the
 12 local DWI grant program.

13 F. As used in this section:

14 (1) "alcohol-related injury crashes" means the
 15 average annual number of alcohol-related injury crashes during
 16 the period from January 1, 2000 through December 31, 2002, as
 17 determined by the traffic safety bureau of the [~~state highway~~
 18 ~~and transportation~~] department of transportation; and

19 (2) "retail trade gross receipts" means the
 20 total reported gross receipts attributable to taxpayers
 21 reporting under the retail trade industry sector of the state
 22 for the most recent fiscal year as determined by the taxation
 23 and revenue department."

24 Section 4. EFFECTIVE DATE.--The effective date of the
 25 provisions of this act is July 1, 2004.

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